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AUG 17 2006

OFFICE OF PETITIONS

In re Application of
Robert Goetze
Application No. 10/622,270
Filed: July 18, 2003
Attorney Docket No: 02037IP

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)¹, filed June 30, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned on October 29, 2004, for failure to file a timely response to the non-Final Office Action mailed July 28, 2004, which set a three (3) month period for reply. The instant petition and this decision precede the mailing of the Notice of Abandonment.

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

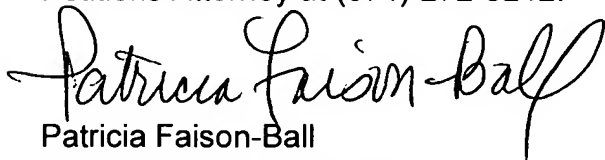
A petition filed February 3, 2005 under 37 CFR 1.181 was dismissed in a decision mailed April 25, 2006. That decision advised petitioner of the option to file a petition under the unintentional standard. However, the decision on petition misquoted the amount of fees due. Effective December 8, 2004, the fees for a petition under 37 CFR 1.137(b) were set at \$750.00 for a small entity and \$1500.00 for a large entity. The fees in the amount of \$675.00 submitted with the instant petition are therefore insufficient. Since no authorizations for debiting a deposit account for any deficiencies have been granted, the petition fee has not been paid. Additional petition fees are required for revival. Petitioner should also, prior to submission, check the Code of Federal Regulations to ensure that no additional increases have been implemented.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions